IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO. 22 OF 2006

Re: Vishnu S. Koli..... Debtor.

Ex-parte:
M/s.R.P.Sanghvi & Co.....Petitioning Creditor.

Ms.N.G.Solanki i/by M/s.Kiran Jain & Co.,
the Petitioning Creditor.
Debtor absent, though served.

CORAM : D. G. KARNIK, J.

DATED : 6TH FEBRUARY, 2007.

P.C.:

Heard learned Counsel for the petitioning creditor. The Debtor is absent, though served.

2. This petition is filed for adjudicating and declaring the Debtor as insolvent on the ground that he has failed to pay the amount due and payable under a decree dated 29th November, 2004 passed by this Court in Summary Suit No. 1468 of 2004, despite service of the insolvency notice No. N/195 of 2005 dated 25th October, 2005. I have perused the affidavits of service of the insolvency notice dated 22nd February, 2006 and 3rd March, 2006. Despite

service of insolvency notice, the Debtor has failed to comply and pay the decretal dues under the decree passed by this Court.

3. Even after the service of the insolvency petition, the Debtor has failed to appear and file reply. The averments made in the insolvency petition are, therefore, deemed to be admitted. For this reason, the insolvency petition is made absolute in terms of prayer clause (a).

Sd/-

(D. G. KARNIK, J.)